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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,813	11/12/2003	Peter M. Curtis	4598-4000	8839
27123	7590	05/16/2008		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER	
			CARTER, CANDICE D	
ART UNIT		PAPER NUMBER		
3629				
NOTIFICATION DATE		DELIVERY MODE		
05/16/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/712,813	<b>Applicant(s)</b> CURTIS, PETER M.
	<b>Examiner</b> CANDICE D. CARTER	<b>Art Unit</b> 3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 November 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-166/08)  
 Paper No(s)/Mail Date 7/22/2004

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is a First Action Non-Final on the merits. Claims 1-30, as originally filed, are currently pending and have been considered below.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 21 recites the limitation "the at least one server" in line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 5, 7-13, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Krause (5,90,206).**

As per claim 1, Krause et al discloses "A method for identifying, processing, organizing and, accessing mission critical facilities information and mission critical intellectual property, comprising the steps of:

a) selectively identifying and gathering the mission critical facilities information" (col. 1, line 12-32 discloses identifying and gathering information for a building construction);

"b) inputting the information into a computer system" (col. 1, line 45-48 discloses inputting construction project information);

"c) storing the information in a database (col. 3, 8-12 1-7 discloses storing the construction project information);

"and d) providing authorized users guaranteed access to the mission critical facilities information" (col. 5, line 1-7 discloses receiving authorization to enter database).

As per claim 5, Krause discloses "inputting the information directly in electronic form" (col. 4, line 3 -11 discloses using a floppy disk or a mass data storage drive as an input means, where information stored on floppy disks or mass data storage drives are already in electronic form).

As per claims 7-13, Examiner considers standard operating procedures, emergency action procedures, mission critical compliance indicators, mission critical engineering operations, education information, equipment manufactures information, and customer specific non-facility information to be nonfunctional descriptive material as recited. The information claimed is only being stored and not being used for any functional purpose. Examiner asserts that the document information database system of Krause is fully capable of storing various information documents that can be accessed by any authorized user. See rejection of claim 1 above.

As per claim 15, Krause discloses "storing data in a plurality of redundant databases" (abstract discloses storing information in multiple databases).

As per claim 17, Krause discloses "search engines to find information quickly" (col. 4, line 56-62 discloses searching the database).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeffery et al. (6,957,384).**

As per claim 21, Jeffery et al. discloses "A system for organizing and accessing mission critical facilities information relating to facilities comprising:

a) at least one database comprising a plurality of tables listing information relating to mission critical information" (abstract discloses that documents are stored in databases and Fig 4-1 and 4-2 displays tables listing information relating to the information that is stored in the databases);

"b) at least one data storage device disposed in the at least one server, said data storage device for storing said at least one database" (col. 2, line 34-40 discloses documents are stored in a database with remote access being provided over the internet, where the internet is a web server);

"c) at least one processor disposed in the at least one server, the processor is used for organizing and sorting the mission critical facilities information" (col. 2, line 16-17 discloses organizing documents, where this is, inherently, done by a processor);

"and d) a plurality of web pages stored in the server, said plurality of web pages used for displaying the mission critical facilities information over the computer network" (col. 1, line 39-67 discloses web pages stored on a web server that may be used to display information).

As per claims 22-26, Examiner considers information relating to a security system, sprinkler system, power system, fire alarm system, and heating and ventilating system to be nonfunctional descriptive material as recited. The information claimed is only being stored and displayed and not being used for any functional purpose. Examiner asserts that the document management system of Jeffery et al. is fully capable of storing and displaying various information documents that can be accessed by any authorized user. See rejection of claim 21 above.

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2-4, 6, 14-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krause in view of Jeffery et al..**

As per claim 2, Krause discloses all of the elements of the claimed invention but fails explicitly disclose "converting the mission critical facilities information into an electronic format after selectively gathering the information".

Jeffery et al. discloses a document management system that converts information into an electronic format after gathering (col. 2, line 27-38 discloses a digital version of each contract is created and stored).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus for searching and tracking construction projects of Krause to include the converting of information into an electronic format as taught by Jeffery et al. in order to facilitate the retrieval of information.

As per claim 3, Krause discloses all of the elements of the claimed invention but fails to explicitly disclose "inputting the information into the computer system uses predefined templates".

Jeffery et al. discloses a document management system having predefined templates for inputting information (col. 14, line 7-10 discloses a template for creating document records).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus for searching and tracking construction projects of Krause to include templates as taught by Jeffery et al. in order to expedite and simplify the process of creating document records.

As per claim 4, Krause discloses all of the elements of the claimed invention but fails to explicitly disclose "inputting the information into the computer system uses data entry toolkits".

Jeffery et al. discloses a document management system using data entry toolkits (col. 4, line 57-col. 5, line 10, discloses tools for scanning and entering data into the system).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus for searching and tracking construction projects of Krause to include the data entry tools as taught by Jeffery et al. in order to facilitate the retrieval of information.

As per claim 6, Krause discloses all of the elements of the claimed invention but fails to explicitly disclose "organizing the information in tables"

Jeffery et al. discloses a document management system having information stored in tables (Fig. 4-1 and 4-2 disclose information stored in a table).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus for searching and tracking construction projects of Krause to include the information tables as taught by Jeffery et al. in order to easily view and interpret the information.

As per claim 14, Krause discloses all of the elements of the claimed invention but fails to explicitly disclose "presenting the information via web pages".

Jeffery et al. discloses a document management system presenting information via web pages (col. 1, line 39-67 discloses displaying documents using web pages).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus for searching and tracking construction projects of Krause to include the display of documents using web pages as taught by Jeffery et al. in order to make documents more accessible.

As per claim 16, Krause discloses all of the elements of the claimed invention but fails to explicitly disclose "presenting the information in print form".

Jeffery et al. discloses a document management system presenting information in print form (col. 15, line 19-26 discloses providing a printer friendly version so that a user may print information).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus for searching and tracking construction projects of Krause to include the presenting of information in print form as taught by Jeffery et al. in order to provide easy viewing.

As per claim 19, Krause discloses all of the elements of the claimed invention but fails to explicitly disclose "different authorization levels".

Jeffery et al. discloses a document management system having different authorization levels (col. 7, line 12-15 discloses degrees of authorization).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus for searching and tracking construction projects of Krause to include the different authorization levels as taught by Jeffery et al. in order to limit access so that only authorized users are able to view certain privileged information.

**10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krause in view of Greene et al. (20030004774).**

As per claim 18, Krause discloses all of the elements of the claimed invention but fails to explicitly disclose “multiple users can access said mission critical facilities information simultaneously”.

Greene et al. discloses a method and system for realizing an avatar in a management operations center having multiple users able to access information simultaneously (¶ 83).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus for searching and tracking construction projects of Krause to include multiple users being able to access the information at the same time in order to allow all authorized users the ability to access the system at any time no matter how many other authorized users may, currently, be using the system.

**11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krause in view of Matsuo (20030130857).**

As per claim 20, Krause discloses all of the elements of the claimed invention but fails to explicitly disclose “providing an access log documenting history of users' access to said system”.

Matsuo discloses an information exchange network having an access log (¶ 34).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the method and apparatus for searching

and tracking construction projects of Krause to include the access log as taught by Matsuo in order to keep track of all users that are accessing the privileged information.

**12. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeffery et al. in view of Ito (5,761,674).**

As per claim 27, Jeffery et al. discloses "A computerized interface for directing at least one user to particular mission critical facilities information associated with that user comprising:

an Internet connected server" (col. 1, line 39-67 discloses a web server);  
and a "user login" (col. 7, line 38-42 discloses a username and password for accessing the system).

Jeffery et al., however, fails to explicitly disclose "an interface software executing on said server wherein in response to the at least one user's login, said interface software directs that user to a set of mission critical facilities information relating to that user to display said set of mission critical information relating to said user".

Ito discloses integrated construction project information management system having software directing a user to information relating to them upon logging into the system (col. 7 line 62-col. 8, line 22 discloses a user logging into the system and accessing only information relating to the user's specific job).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the document management system of Jeffery et al. to include the controlled access to information as taught by Ito in order to ensure that users are only accessing information that they are authorized to access.

As per claim 27, Jeffery et al. discloses "at least one database stored in said Internet connected server" (abstract discloses documents stored in a database).

Jeffery et al., however, fails to explicitly disclose "a plurality of different sets of mission critical facilities information for each of a plurality of buildings and a set of information relating to a set of users enabled to log into said database and wherein said interface software further comprises at least one filter for filtering different sets of mission critical facilities information relating to said at least one user taken from said set of users wherein in response to that user's login, said at least one user is allowed access to only said set of mission critical information relating to said user".

Ito discloses an integrated construction project information management system having "a plurality of different sets of mission critical facilities information for each of a plurality of buildings and a set of information relating to a set of users enabled to log into said database and wherein said interface software further comprises at least one filter for filtering different sets of mission critical facilities information relating to said at least one user taken from said set of users wherein in response to that user's login, said at least one user is allowed access to only said set of mission critical information relating to said user" (col. 5, line 10 discloses a user interface controls access to a view according to a users occupation and col. 5, line 38-43 discloses storing information for a plurality of buildings).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the document management system of Jeffery et al. to include the controlled access and storing information for a plurality of

buildings as taught by Ito in order to allow a user to view all information relating to their specific function.

As per claim 29, Jeffery et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "different sets of mission critical information for each of said plurality of buildings is divided up into a plurality of different subsets of mission critical facilities information wherein said at least one user is allowed access to only said set and said subset of mission critical facilities information relating to said user".

Ito discloses an integrated construction project information management system having different sets of information for each of the buildings that is only viewable by users with authorized access (Fig. 2 displays sets of information that is stored for each building and col. 5, line 10 discloses a user interface controls access to a view according to a users occupation).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the document management system of Jeffery et al. to include the different sets of information for each of the buildings that is only viewable by users with authorized access as taught by Ito in order to allow a user to view all information relating to their job.

As per claim 30, Jeffery et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "plurality of different subsets of information include heating and ventilating systems information".

Ito discloses an integrated construction project information management system having heating and ventilating systems information (Fig. 3(h) discloses air conditioning system).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the document management system of Jeffery et al. to include the information on air conditioning systems as taught by Ito in order to allow a user to access all pertinent information for the project.

#### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nicastro et al. (7,330,856) discloses an item specific object management system. Ananian et al. (6,922,701) discloses a building construction plan database profile. Pereira, III (6,931,402) discloses a profiling system for controlling access for a plurality of users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CDC

/John G. Weiss/  
Supervisory Patent Examiner, Art Unit 3629